

**ENTERED**

November 15, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

THE SATANIC	§	CIVIL ACTION No
TEMPLE INC and	§	4:21-cv-00387
ANN DOE,	§	
Plaintiffs,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
TEXAS HEALTH AND	§	
HUMAN SERVICES	§	
COMMISSION and	§	
CECILE YOUNG,	§	
Defendants.	§	

**ORDER**

The motion by Plaintiffs The Satanic Temple Inc and Ann Doe to strike the pending motion to dismiss by Defendants Texas Health and Human Services Commission and Cecile Young is DENIED. Dkt 51.


To be clear, Defendants no doubt filed their motion late. The scheduling order required such motion by September 5th. Dkt 38. It wasn't filed until September 19th. Some, but not all, of this delay is attributable to agreed extension between the parties. See Dkts 51 at 3, 20 & 57 at 2.

Even so, this Court is relatively lenient on parties in any case who technically miss early deadlines in an action but are otherwise clearly engaged and intending to actively participate. Such is the case here. Regardless, if the current motion were struck, Defendants would simply present the same or similar issues—both as to jurisdiction and on the merits—by way of later, allowable dispositive motion. If there is a legal defect in Plaintiffs' action, it's

simply best to resolve that now. Beyond that, Plaintiffs haven't shown that the late filing prejudiced them in any way.

SO ORDERED.

Signed on November 14, 2022, at Houston, Texas.

  
Hon. Charles Eskridge  
United States District Judge